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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,144	02/15/2001	Walter Rosenbaum	2001P01989US	1512

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/783,144

Applicant(s)

ROSENBAUM, WALTER

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-14, 16-22, 24-36 and 38-60 is/are pending in the application.
- 4a) Of the above claim(s) 25-35 and 43-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-22, 24, 36 and 38-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I in the reply filed on 30 September 2004 is acknowledged.

### ***Response to Amendment***

The Applicant amended Claims 1, 9, 17-22, 24, and 36, and canceled Claims 7, 15, 23, and 37. All pending claims (1-6, 8-14, 16-22, 24, 36, and 38-42) were examined in this final Office Action. Claims 25-35 and 43-60 were withdrawn from consideration.

### ***Response to Arguments***

#### **Drawings**

The Applicant submitted corrected drawings. Objections to drawings are withdrawn.

#### **Rejection under 35 USC 102(e)**

Applicant's arguments filed 12 May 2004 have been fully considered but they are not persuasive. The Applicant's postal system and lender provide same services as a bank as disclosed by prior art reference. It is incumbent upon the Applicant to review the cited reference in its entirety. Hartley-Urquhart expressly discloses factoring as a prior art financial technique for financing orders (e.g.

seller requesting financing) (see at least col. 2, lines 27-28). Hartley-Urquhart further discloses, in detail, financing within the supply chain for financing orders by releasing capital financing to the seller (see at least col. 5, lines 58-62; col. 7, lines 51-59).

Rejection under 35 USC 103(a)

Applicant's arguments filed 12 May 2004 have been fully considered but they are not persuasive. As claimed, and for the reasons noted above, the prior art reference discloses, teaches, or suggests in combination with Chelliah, the claimed invention. Amended claim 36 fails to claim an intermediary that distinguishes over the prior art.

Arguments pertaining to Claims 25-35 and 43-60 were withdrawn by Election of Group I.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 1-6, 8-14, 16-22, and 24 are rejected under 35 USC 102(e) as being anticipated by Hartley-Urquhart (Paper #8, patent number 6,167,385).**

Hartley-Urquhart teaches all the limitations of Claims 1-6, 8-14, 16-22, and 24. For example, Hartley-Urquhart discloses a system and method for financing a supply of goods from a supplier to a buyer (see at least abstract; col. 1, lines 5 through col. 2, line 53). Hartley-Urquhart further discloses:

- Monitoring a transaction between a buyer and seller (see at least Fig. 2 (210, 220, 230, 270, 260); col. 3, line 5 through col. 5, line 30).
- Notifying a lender of a transaction status (see at least col. 5, line 31-34; col. 7, lines 51-59).
- Buyer approval of the transaction (see at least col. 5, lines 58-60).
- Financial institution receiving notice to release funds to seller, and releasing capital financing to the seller (see at least col. 5, lines 58-62; col. 7, lines 51-59).
- Delivery plan and shipping purchased goods (see at least abstract; col. 4, lines 53-63).
- Trigger that notifies the financial institution to release funds to the supplier (see at least col. 5, lines 25-30) (please note the examiner interprets the seller's participation as a request for funds).

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### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 36 and 38-42 are rejected under 35 USC 103(a) as being unpatentable over Hartley-Urquhart (Paper #8, patent number 6,167,385), in view of Chelliah et al. (Paper #8, patent number 5,710,887).**

Hartley-Urquhart teaches a system and method for improving traditional factoring (financing a supply of goods) (see at least abstract; col. 1, lines 5 through col. 2, line 53). Hartley-Urquhart further teaches:

- Buyer approval of the transaction (see at least col. 5, lines 58-60).
- Financial institution receiving notice to release funds to seller, and releasing capital financing to the seller (e.g. sequentially or concurrently) (see at least col. 5, lines 58-62; col. 7, lines 51-59).
- Trigger that notifies the financial institution to release funds to the supplier (see at least col. 5, lines 25-30) (please note the examiner interprets the seller's participation as a request for funds).
- Security measures using passwords for identification (see at least col. 4, lines 33-36).
- Monitoring a transaction between a buyer and seller (see at least Fig. 2 (210, 220, 230, 270, 260); col. 3, line 5 through col. 5, line 30).
- Notifying a lender of a transaction status (see at least col. 5, line 31-34; col. 7, lines 51-59).
- Buyer approval of the transaction (see at least col. 5, lines 58-60).

Hartley-Urquhart teaches all the above as noted under the 103(a) rejection and teaches buyers and sellers conducting electronic commerce over the Internet using security measures (e.g. passwords), and further teaches buyer purchasing goods from sellers (see at least col. 4, lines 25-36), but do not disclose specifics on a client system used to purchase goods. Chelliah et al. teaches a system and method of client machines using a web browser to purchase goods and services from sellers over the Internet using passwords as identifiers and encryption for additional security (see at least abstract; Fig. 2 (12, 13); col. 5, lines 5 through col. 6, line 7; col. 9, lines 8-14; col. 12, lines 1-9). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Hartley-Urquhart to disclose client systems as taught by Chelliah et al., in order to more fully disclose how client systems securely communicate and display electronic commerce information.

Hartley-Urquhart teaches all the above as noted under the 103(a) rejection and teaches verifying payment information, shipping goods to the buyer, and buyer confirming receipt, but do not disclose shipping to a delivery address. Chelliah et al. teach shipping goods to a delivery address (see at least col. 7, lines 31-33). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Hartley-Urquhart to disclose shipping to an address as taught by Chelliah et al., in order to more fully disclose how purchased goods are delivered to a buyer.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.



Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

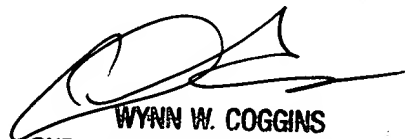
or faxed to:

**703-872-9306** (Official communications; including After Final  
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
December 11, 2004



**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**